

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

JAMES DAVID WOOD, III

:

Plaintiff,

:

v.

:

CASE NO:

FORD MOTOR COMPANY

:

Defendants.

:

**DEFENDANT FORD MOTOR COMPANY'S**  
**NOTICE OF REMOVAL**

**TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
VIRGINIA AND PLAINTIFF JAMES DAVID WOOD AND HIS ATTORNEY OF  
RECORD:**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 Defendant Ford Motor Company hereby removes to this Court the case now pending in the Circuit Court for the County of Bland, Commonwealth of Virginia captioned *James Wood vs. Ford Motor Company*, Case No. CL2000041600

As grounds for removal, Defendant Ford Motor Company states as follows:

**TIMELINESS OF REMOVAL**

1. On December 15, 2020, Plaintiff filed a Complaint in the Circuit Court for the County of Bland, captioned *James David Wood v. Ford Motor Company*, Case No. CV2020-096656. A copy of Complaint is attached hereto as Exhibit A.

2. Ford was served the Summons and Complaint by process server on January 11, 2021.

3. Ford filed this Notice of Removal within thirty (30) days after service of the Summons and Complaint on Ford. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b).

4. Ford has attached a copy of all process, pleadings, orders, and other documents on file with the Circuit Court for the County of Bland, Commonwealth of Virginia.

### **GROUND FOR REMOVAL**

5. Ford submits to this Court that it has original jurisdiction because it and invokes the diversity jurisdiction of this Court as provided in 28 U.S.C. § 1332. Specifically, Plaintiff's Complaint states that Plaintiff James David Wood is a resident of the state of Virginia. Ford Motor Company is organized under the laws of Delaware and its principal place of business is in the state of Michigan. This action involves a dispute over the sale and servicing of a 2019 Ford F150 and Plaintiff is seeking damages in excess of \$75,000.00. (Complaint ¶16).

6. Since this Court has diversity jurisdiction over this matter, it also has jurisdiction over the remaining claims contained in Plaintiff's Complaint under 28 U.S.C. § 1441(c) and/or under the doctrine of supplemental jurisdiction, 28 U.S.C. § 1367.

### **NOTICE OF REMOVAL TO STATE COURT AND TO ADVERSE PARTIES**

7. Written notice of the filing of this Notice of Removal will promptly be served on all other parties as required by 28 U.S.C. §1446(d).

8. Ford will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Bland County, Virginia as required by 28 U.S.C. §1446(d).

**VENUE**

9. Venue of this action in the United State District Court of Western District of Virginia is proper, as this is the district and division in which the State court action is pending. 28 U.S.C. §§ 117, 1446(a), and 1454(a).

WHEREFORE, pursuant to 28 U.S.C. §§ 1331, Defendant Ford Motor Company respectfully requests that this civil action be removed from the Circuit Court of Bland County, Virginia to the United States District Court for the Western District of Virginia.

**FORD MOTOR COMPANY**

By Counsel

/s/ \_\_\_\_\_  
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**C E R T I F I C A T E**

I hereby certify that a true copy of the foregoing was mailed and emailed this 2<sup>nd</sup> day of February, 2021 to:

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/s/

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